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5

Attorneys for Defendants

6 DICK/MORGANTI, DICK CORPORATION,

and THE MORGANTI GROUP

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UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA—SAN FRANCISCO DIVISION

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12 UNITED STATES OF AMERICA for the Use and  
13 Benefit of WEBCOR CONSTRUCTION, INC. dba  
WEBCOR BUILDERS, and WEBCOR  
14 CONSTRUCTION, INC. dba WEBCOR  
BUILDERS,

15 Plaintiffs,

16 vs.

17 DICK/MORGANTI, a joint venture, DICK  
18 CORPORATION, THE MORGANTI GROUP,  
AMERICAN CASUALTY COMPANY OF  
READING, PA, NATIONAL UNION FIRE  
19 INSURANCE COMPANY OF PITTSBURGH, PA,  
and DOES 1 through 10, inclusive,

20 Defendants.

21 AND RELATED COUNTER-CLAIMS AND  
22 THIRD PARTY CLAIMS.

Case No.: 3:07-CV-02564-CRB

**STIPULATION AND [PROPOSED]  
ORDER FURTHER EXTENDING  
TIME TO FILE ANSWER AND  
COUNTERCLAIM**

Before: Hon. Charles R. Breyer

23  
24 Pursuant to Local Civil Rule 6-2, Defendants, Counter-Claimants, and Third Party

25 Complainants DICK/MORGANTI, DICK CORPORATION, and THE MORGANTI GROUP

26 (together, “D/M”) and Plaintiff WEBCOR CONSTRUCTION, INC. dba WEBCOR BUILDERS

27 (“Webcor”) hereby stipulate and agree that the deadline for D/M to file an answer to Webcor’s  
28 complaint, as well as the time for D/M to file a counterclaim, if any, be further extended by one

1 month from **November 19, 2009**, to **December 18, 2009**. The parties and their representatives  
2 continue to meet and discuss various issues, including how Webcor's claims will be addressed at  
3 the upcoming mediations with the Project owner. In the meantime, the parties prefer to avoid  
4 spending time on litigation activities and filings in the case, and therefore stipulate to this further  
5 extension of time.

6 The time for D/M to file an answer to Webcor's complaint and the time for D/M to file a  
7 counterclaim has been extended several times before. Additionally, there have been other time  
8 extensions in this case, including time extensions in connection with case management  
9 conferences.

10 A declaration in support of this stipulated request is attached.

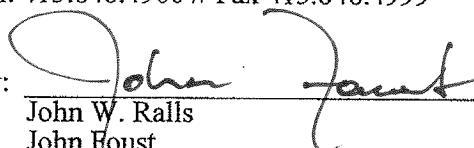
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12 Dated: November 18, 2009

HOWREY LLP  
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Tel. 415.848.4900 // Fax 415.848.4999

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By:

  
John W. Ralls  
John Foust  
Attorneys for Defendants, Counter-Claimants  
and Third Party Complainants  
DICK/MORGANTI, DICK CORPORATION,  
and THE MORGANTI GROUP

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20

Dated: November 18, 2009

BOWLES & VERNA LLP  
2121 N. California Boulevard, Suite 875  
Walnut Creek, California 94596  
Tel. 925.935.3300 // Fax 925.935.0371

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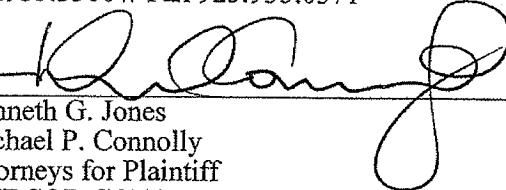
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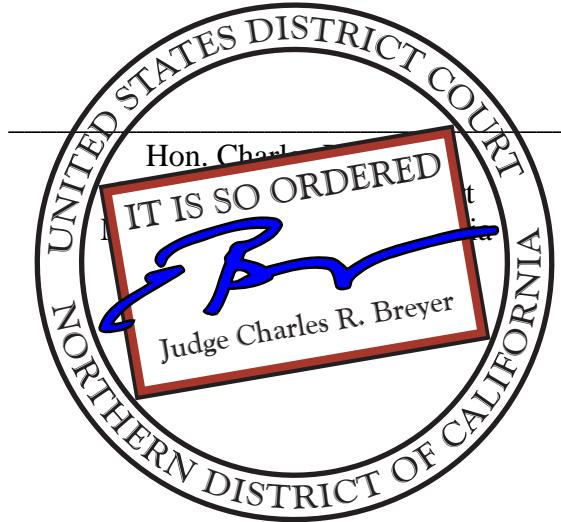
  
Kenneth G. Jones  
Michael P. Connolly  
Attorneys for Plaintiff  
WEBCOR CONSTRUCTION, INC. dba  
WEBCOR BUILDERS

## ORDER

2 The deadline for Defendants, Counter-Claimants, and Third Party Complainants  
3 DICK/MORGANTI, DICK CORPORATION, and THE MORGANTI GROUP (together, “D/M”)  
4 to file an answer to the complaint of Plaintiff WEBCOR CONSTRUCTION, INC. dba WEBCOR  
5 BUILDERS (“Webcor”), as well as the time for D/M to file a counterclaim, if any, is further  
6 extended by one month from November 19, 2009, to **December 18, 2009**.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

9 Dated: November 23, 2009



## **DECLARATION OF JOHN FOUST**

I, John Foust, declare:

1. I am an attorney with Howrey LLP and counsel of record for Defendants, Counter-Claimants, and Third Party Complainants DICK/MORGANTI, DICK CORPORATION, and THE MORGANTI GROUP (together, “D/M”).

7 2 Plaintiff WEBCOR CONSTRUCTION, INC. dba WEBCOR BUILDERS  
8 (“Webcor”), on the one hand, and D/M, on the other, have agreed to continue to discuss various  
9 issues, including how Webcor’s claims will be addressed at the upcoming mediations with the  
10 Project owner. In the meantime, the parties prefer to avoid spending time on litigation activities  
11 and filings in this case. Therefore, the parties have stipulated and agreed to extend the deadline for  
12 D/M to file an answer to Webcor’s complaint, as well as the time for D/M to file a counterclaim, if  
13 any, by one month from November 19, 2009, to December 18, 2009.

14       3.     The parties have previously stipulated, and the Court has previously allowed, ten  
15     extensions for the response to the complaint and counterclaim. Additionally, there have been  
16     other time extensions in this case, including time extensions in connection with case management  
17     conferences.

18 I declare under penalty of perjury under the law of the United States that the foregoing is  
19 true and correct.

20 Executed on November 18, 2009, in San Francisco, California.

  
John Foust